IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2941 OF 2005
IN
APPEAL NO.404 OF 204
IN
SUIT NO.2026 OF 1981

Killick Nixon Ltd. Appellants

versus

The Board of the Trustees of
the Port of Bombay and another Respondents

Mr.Rahul Narichania i/by M/s.Bhatt & Saldhana for appellants.

Mr.U.J.Makhija i/by M/s.Mulla & Mulla & CBC for respondents.

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 5th October 2005

PC :

1. Mentioned. Not on board.

2. Heard learned counsel for the appellant and respondent no.1. For the purposes of disposal of the Notice of Motion, presence of respondent no.2 is not necessary. The appeal has already been admitted. The learned counsel for the appellant states that the appellant will furnish the bank

guarantee for the entire decreetal amount of a nationalised bank in favour of the Prothonotary and Senior Master of this Court. He submits that the appellant will file an undertaking in this Court to the effect that to keep the bank guarantee alive and that the same will be renewed from time to time and if the same is not renewed before one month of the date of expiry of the bank guarantee, the Prothonotary and Senior Master will be at liberty to encash the same. The aforesaid bank guarantee shall be furnished within a period of four weeks from today, failing which this order shall stand vacated without any further reference to this Court. Pending hearing and final disposal of this appeal, the decree shall stand stayed. Notice of Motion stands disposed of in the above terms.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)